

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN P. HENMAN
CLERK

2013 DEC 26 AM 11:58

UNITED STATES OF AMERICA,

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLD BLDG-1133

Plaintiff,

Civil Action No. 13-cv-01133

v.

JUDGE SARGUS

TWELVE THOUSAND SIX HUNDRED
SIXTY-SEVEN AND 00/100 DOLLARS
(\$12,667.00) IN UNITED STATES
CURRENCY,

Magistrate Judge Abel

Defendant.

/

**CLAIMANT ENRIQUE ALEJANDRO DAVIDOVICH ANSWER
TO PLAINTIFFS COMPLAINT**

COMES NOW, the Claimant, Enrique Alejandro Davidovich (“CLAIMANT”) files this his Answer to Plaintiff’s UNITED STATES OF AMERICA complaint (“PLAINTIFF”) and, in furtherance thereof, sets forth as follows:

1. Claimant Admits the allegations contained in paragraphs #1, 2, 3, 4, 5, 6, 8, 10
2. In response to the allegations contained in paragraph 7, Claimant Denies he was looking around a lot and appeared to be looking for someone but Admits all other allegations contained in paragraph 7.
3. In response to the allegations contained in paragraph 9, Claimant Denies the alleged estimation of money on his person as he is without sufficient information or knowledge. Claimant also Denies he said “he was scared to travel with all the currency in one place because he feared it would draw attention to him”. Claimant Admits all other allegations contained in paragraph 9.

4. In response to the allegations contained in paragraph 11, Claimant Denies he was unable to provide contact information for Jamal Edwards but Admits all other allegations in paragraph 11.
5. In response to the allegations contained in paragraph 12, Claimant is without sufficient information or recollection to Admit if those figures of how much money came from who was true and correct. Claimant Denies he was unable to provide contact information for his friend who told him it was ok to conceal the money the way he did, and the accuracy of such conversation. Claimant Admits all other allegations in paragraph 12.
6. In response to the allegations contained in paragraph 13, Claimant Denies he said “his friends did drugs but he did not”. Claimant Denies the rest of the allegations in paragraph 13 as he is without sufficient information.
7. In response to the allegations contained in paragraph 14, sentence 1, Claimant Denies such allegations and demand strict proof thereon. In response to the allegations in sentence 4, 6, 7, and 9, Claimant Denies those allegations. Claimant Admits all other allegations in paragraph 14.
8. In response to the allegations contained in paragraph 14 subsection (a), Claimant Denies he advised the airline “that he had received a telephone call that there was a family emergency and that he need to go back to Columbus”. Claimant Admits all other allegations in paragraph 14 subsection (a).
9. In response to the allegations contained in paragraph 14 subsection (b), Claimant Denies his call logs revealed that several of the telephone numbers calling and/or

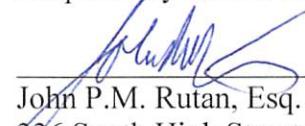
being used by them are linked to multiple past and present narcotics investigations with the DEA and demands strict proof thereon.

10. Claimant is without sufficient information to Admit or Deny the allegations contained in paragraph 15.

11. Claimant Denies paragraph 16.

12. Any allegation not specifically addressed herein is expressly, directly and explicitly Denied and strict proof is demanded thereon.

Respectfully Submitted,


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Columbus, OH 43215
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(614) 340-5848 Telecopier
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Attorney for Claimant

CERTIFICATE OF SERVICE

The undersigned certifies that a true and accurate copy of the foregoing has been furnished via [] Hand Delivery; [] Facsimile; U.S. Mail to the Assistant United States Attorney, Deborah Sanders at the United States Attorney's Office located at 303 Marconi Boulevard, Suite 200 Columbus, OH 43215, on this 23 day of December 2013.


JOHN P.M. RUTAN ESQ.
Attorney for Claimant
Ohio Bar No: 0087019

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December 20, 2013
(Via Ordinary U.S. Mail)

Office of the Clerk
United States District Court, Southern District of Ohio
Eastern Division
85 Marconi Boulevard
Columbus, OH 43215

And

Carter M. Stewart
United States Attorney
c/o Asset Forfeiture Unit
303 Marconi Boulevard
Suite 200
Columbus, OH 43215

RE: Enrique Alejandro Davidvoich--Verified statement of interest.
Asset ID: 13-DEA-584907
Case #: 2:13-cv-1133
Property: \$12,667.00
Seizure Date: 07/02/13
Seizure Place: Columbus, OH
Owner Name: Enrique Alejandro Davidovich "CLAIMANT"

To Whom it May Concern:

Please be advised my office has been retained by Enrique Alejandro Davidovich to contest the forfeiture of the monies and assets listed above. An Answer to Plaintiff's Verified Complaint is being filed contemporaneously with this claim. Mr. Davidovich believes he is entitled to the money seized at the Columbus Ohio airport because it was not being used or acquired as a result of a violation of the Controlled Substances Act.

EAD

Pursuant to Title 18 U.S.C. Section 983(a)(2)(C), Claimant further alleges:

EAD

- 1) The specific property being claimed by Enrique Alejandro Davidovich is \$12,677.00 in U.S. currency.
- 2) The claimant Enrique Alejandro Davidovich has an interest in the property as it was his personal property.
- 3) The oath is being made subject to the penalty of perjury.
- 4) That the government attorney designated under Rule G(4)(a)(ii)(C) or (b)(ii)(D) as identified on the letterhead above. Such service was effectuated via ordinary U.S. Mail with prepaid postage on December 20, 2013.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed on this 20 day of December 2013 by 
Enrique Alejandro Davidovich

STATE OF OHIO

COUNTY OF FRANKLIN

SWORN TO AND SUBSCRIBED before me by ENRIQUE ALEJANDRO DAVIDOVICH, who after being duly sworn stated under oath that the above statements are true and correct and who is personally known to me or has produced Ohio State I.D. as identification, and who did take an oath on the 20 day of December 2013.

My Commission Expires:



PRISCILLA CAWTHORNE
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
December 14, 2015
Recorded in
Franklin County


NOTARY PUBLIC